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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT  
FOR DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 01-00078 DAE
	)	
Plaintiff,	)	GOVERNMENT'S MOTION TO
	)	DISBURSE FUNDS TO SATISFY
v.	)	FINES AND RESTITUTION
	)	ORDER; EXHIBITS 1-2
	)	
GARY WAYNE RODRIGUES,	(01) )	
ROBIN HAUNANI RODRIGUES	)	
SABATINI,	(02) )	
	)	
	)	
Defendants.	)	
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GOVERNMENT'S MOTION TO DISBURSE  
FUNDS TO SATISFY FINES AND RESTITUTION ORDER

The United States of America, through its undersigned attorneys, hereby moves, pursuant to Fed. R. Crim. P. 47, and requests that the Court enter an order disbursing funds which the

parties agreed to set aside to be held in a First Hawaiian Bank account to satisfy this Court's Order for fines and restitution.

On June 23, 2004, the government and defendant GARY W. RODRIGUES entered into a stipulation and agreed that the sum of \$428,103.63 be placed into an IRA account at First Hawaiian Bank in the defendant's name, to be dispersed, with accrued interest, at such time as the Court shall order, only to the Clerk of the United States District Court and thereupon applied to the fines and restitution ordered by the Court. A true and correct copy of the parties' stipulation is attached as Exhibit 1.

RELEVANT BACKGROUND

As to Defendant RODRIGUES, the Court's Judgment of October 6, 2003, ordered 64 months imprisonment, three years of supervised release, \$10,100 in Special Assessments, a \$50,000 fine and restitution to United Public Workers, Local 646, in the amount of \$378,103.63.

As to Defendant ROBIN HAUNANI RODRIGUES SABATINI, the Court's Amended Judgment of January 28, 2004, ordered 46 months imprisonment, three years of supervised release, \$9,500 in Special Assessments and restitution in the amount of \$377,503.63, to United Public Workers, Local 646, to be paid jointly and severally with co-defendant RODRIGUES.

On June 11, 2007, the Ninth Circuit issued its non-precedential memorandum decision and judgment unanimously affirming all of Defendant RODRIGUES' convictions for mail fraud, health care fraud, conspiracy to launder money, money laundering, theft of union funds and accepting kickbacks from an employee benefit plan and all of Defendant SABATINI's convictions for mail fraud, health care fraud, conspiracy to launder money and money laundering. The panel ordered a limited Ameline remand.

On August 21, 2007, the Ninth Circuit denied Defendants petition for rehearing en banc.

On August 27, 2007, Defendants filed a motion to stay the mandate pending a petition for a writ of certiorari in the United States Supreme Court. On September 24, 2007, the Ninth Circuit denied the motion to stay the mandate.

On October 31, 2007, this Court entered an "Order Affirming Sentence of Gary Wayne Rodrigues and Setting Mittimus." Also, on October 31, 2007, this Court entered an "Order Affirming Sentence of Defendant Robin Haunani Rodrigues Sabatani and Setting Mittimus." The Court's orders directed defendants to report to the facility designated by the Bureau of Prisons no later than 2:00 p.m. on January 7, 2008.

Both Defendant RODRIGUES and his daughter and co-defendant Robin H.R. SABATINI began serving their prison sentences on January 7, 2008.

On February 19, 2008, the Defendants' petition for writ of certiorari was denied. 128 S. Ct. 1285 (2008).

On July 30, 2008, in the Circuit Court of the First Circuit, State of Hawaii, in J.P. Schmidt, in his capacity as Insurance Commissioner of the State of Hawaii vs. Pacific Group Medical Association, S.P. No. 97-135 EEH, the plaintiff filed "Liquidator's Motion for Order and Final Judgment Approving Liquidator's Settlement with (1) Four Winds RSK, Inc., Auli'i, Inc. And Robin Haunani Rodrigues Sabatani and (2) United Public Workers, AFSCME, Local 646, AFL-CIO." Attached to the Plaintiff's Motion as "Exhibit A" is a Settlement and Release Agreement signed by defendant SABATINI acknowledging that she and her father and co-defendant RODRIGUES are jointly and severally liable in restitution ordered by this Court; and that a sum of money was deposited and set aside for this purpose. A hearing on the Liquidator's motion is set for September 17, 2008, before Judge Hifo. A true and correct copy of the document filed in State Court is attached as Exhibit 2.

Based on the foregoing, the United States respectfully requests that this Court enter an Order directing the

disbursement of (a) \$378,103.63 to the victim union, United Public Workers, Local 646, to satisfy the Court's restitution order and (b) \$50,000 to the Clerk of Court to satisfy the Court's Order of a \$50,000 fine against Defendant RODRIGUES.

DATED: August 25, 2008, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.  
United States Attorney  
District of Hawaii

/s/ Florence T. Nakakuni  
By \_\_\_\_\_  
FLORENCE T. NAKAKUNI  
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